

CRAVATH, SWAINE & MOORE LLP

JOHN W. WHITE
 EVAN R. CHESLER
 RICHARD W. CLARY
 STEPHEN L. GORDON
 DANIEL L. MOSLEY
 ROBERT H. BARON
 DAVID MERCADO
 CHRISTINE A. VARNEY
 PETER T. BARBUR
 THOMAS G. RAFFERTY
 MICHAEL S. GOLDMAN
 RICHARD HALL
 JULIE A. NORTH
 ANDREW W. NEEDHAM
 STEPHEN L. BURNS
 KEITH R. HUMMEL
 DAVID J. KAPPOS
 DANIEL SLIFKIN
 ROBERT I. TOWNSEND, III
 WILLIAM J. WHELAN, III
 PHILIP J. BOECKMAN
 WILLIAM V. FOGG
 FAIZA J. SAEED

RICHARD J. STARK
 THOMAS E. DUNN
 MARK I. GREENE
 DAVID R. MARRIOTT
 MICHAEL A. PASKIN
 ANDREW J. PITTS
 MICHAEL T. REYNOLDS
 ANTONY L. RYAN
 GEORGE E. ZOBITZ
 GEORGE A. STEPHANAKIS
 DARIN P. MCATEE
 GARY A. BORNSTEIN
 TIMOTHY G. CAMERON
 KARIN A. DEMASAI
 LIZABETHANN R. EISEN
 DAVID S. FINKELSTEIN
 DAVID GREENWALD
 RACHEL G. SKAISTIS
 PAUL H. ZUMBRO
 ERIC W. HILFERS
 GEORGE F. SCHOEN
 ERIK R. TAVZEL
 CRAIG F. ARCELLA

WORLDWIDE PLAZA
 825 EIGHTH AVENUE
 NEW YORK, NY 10019-7475

TELEPHONE: +1-212-474-1000
 FACSIMILE: +1-212-474-3700

CITYPOINT
 ONE ROPEMAKER STREET
 LONDON EC2Y 9HR
 TELEPHONE: +44-20-7453-1000
 FACSIMILE: +44-20-7860-1150

WRITER'S DIRECT DIAL NUMBER
 +1-212-474-1104
 WRITER'S EMAIL ADDRESS
 mbyars@cravath.com

DAMIEN R. ZOUBEK
 LAUREN ANGELILLI
 TATIANA LAPUSHCHIK
 ALYSSA K. CAPLES
 JENNIFER S. CONWAY
 MINH VAN NGO
 KEVIN J. ORSINI
 MATTHEW MORREALE
 JOHN D. BURETTA
 J. WESLEY EARNHARDT
 YONATAN EVEN
 BENJAMIN GRUENSTEIN
 JOSEPH D. ZAVAGLIA
 STEPHEN M. KESSING
 LAUREN A. MOSKOWITZ
 DAVID J. PERKINS
 JOHNNY G. SKUMPIJA
 J. LEONARD TETI, II
 D. SCOTT BENNETT
 TING S. CHEN
 CHRISTOPHER K. FARGO
 KENNETH C. HALCOM
 DAVID M. STUART

AARON M. GRUBER
 O. KEITH HALLAM, III
 OMID H. NASAB
 DAMARIS HERNÁNDEZ
 JONATHAN J. KATZ
 MARGARET SEGALL D'AMICO
 RORY A. LERARIS
 KARA L. MUNGOVAN
 NICHOLAS A. DORSEY
 ANDREW C. ELKEN
 JENNY HOCHENBERG
 VANESSA A. LAVELY
 G.J. LIGELIS JR.
 MICHAEL E. MARIANI

SPECIAL COUNSEL
 SAMUEL C. BUTLER

OF COUNSEL
 MICHAEL L. SCHLER

June 19, 2018

Carole B. Reiss v. Melitina Hernandez, et al., No. 17-cv-159 (WHP)

Dear Judge Pauley:

I am *pro bono* counsel for Plaintiff Carole B. Reiss and appeared in this action on May 2, 2018 for the limited purpose of representing Ms. Reiss at depositions. On behalf of Ms. Reiss, I write to respectfully request a limited extension of the deadline for fact discovery, which expired on June 1, 2018, to permit the taking of depositions of individual Defendants Melitina Hernandez and Jennifer Johnson. Defendants do not object to this request.

As Ms. Reiss's former supervisors, Ms. Hernandez and Ms. Johnson each have unique knowledge concerning Ms. Reiss's allegations of employment discrimination and retaliation. I requested deposition dates from Defendants during the fact discovery period, but Defendants' counsel and I were unable to confirm available dates before June 1, 2018. Defendants' counsel has confirmed that Ms. Hernandez is available to be deposed on June 27, 2018, and Ms. Johnson is available to be deposed on July 11, 2018.

Defendants filed an Answer to Ms. Reiss's Second Amended Complaint on May 23, 2018. The Parties have exchanged initial disclosures. The Defendant Department of Education has responded to Ms. Reiss's interrogatories, and Defendants have produced documents in response to Plaintiffs' requests.¹ No other discovery has been taken of the individual Defendants.

¹ Although Defendants do not object to the extension requested in this letter or to most its contents, Defendants object to the inclusion of the phrase "The Defendant Department of Education has responded to Ms. Reiss's interrogatories" because it does not state that "The Defendants have responded to Ms. Reiss's interrogatories". Although the Department of Education served verified responses to Ms. Reiss's interrogatories, those responses have not been verified by Ms. Hernandez or Ms. Johnson. Cf. Federal

Ms. Reiss was deposed on May 23, 2018. In response to Defendants' Second Set of Document Requests, which Defendants served on June 1, 2018 following Ms. Reiss's deposition, Ms. Reiss has produced documents.

The Parties jointly requested two prior extensions of the deadline to complete fact discovery, on February 14, 2018 and April 6, 2018. (ECF Nos. 37, 42.) Both requests were granted. (ECF Nos. 38, 43.)

I appreciate the Court's consideration of this request, and I am available to answer any questions the Court may have.

Respectfully submitted,



M. Brent Byars

Judge Pauley
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Copy to:

All Counsel of Record

VIA ECF

Rule of Civil Procedure 33(b)(5) ("The person who makes the answers [to interrogatories] must sign them"). When Plaintiff requested that the individual Defendants verify the responses, the individual Defendants declined to do so and took the position that the interrogatories Ms. Reiss had served "were directed to the DOE only". While Ms. Reiss does not presently seek to compel the individual Defendants to respond to her interrogatories, the lack of interrogatory responses from them further supports her request for their depositions.